

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL

Mr. Michael A. Chernekoff
Registered Agent for SSIC Remediation, L.L.C
201 St. Charles Avenue, 50th Floor
New Orleans, Louisiana, 70170

Dear Mr. Chernekoff:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the SSIC Remediation, LLC, in providing information and documents relating to the SBA Shipyard Superfund Site (Site). Obtained information from you will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

Your company is receiving this letter because documentation in the EPA's possession shows you may have had a business relationship with one or more of the owners and operators of the Site.

This information request is not a determination that ----- is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending ----- this letter as part of its investigation of the circumstances related to the Site and does not expect ----- to pay for or perform any site-related activities at this time. Should EPA determine that ----- is responsible or potentially responsible for response activity at the Site, ----- will receive a separate letter clearly stating such a determination as well as the basis EPA has for making such a determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require you to respond to this information request (see Enclosure 1). We encourage you to give this matter its full attention, and ***we respectfully request that you respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500.00 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Kelvin Spencer, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Kelvin Spencer at (214) 665-7382. For legal questions concerning this letter, please have your legal counsel contact Ms. I-Jung Chiang, at (214) 665-2160. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E.
Associate Director
Technical and Enforcement Branch (SF-T)
Superfund Division

ENCLOSURE 1

SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA

INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal “Superfund” law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol “§”) 9604(e) 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site’s history or this information request letter, please contact Mr. Kelvin Spencer, the designated Enforcement Officer for the Site, at phone number (214) 665-7382, fax number (214) 665-6660 or via email at spencer.kelvin@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Kelvin Spencer, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. I-Jung Chiang at phone number (214) 665-2160, fax number (214) 665-6460 or via email at Chiang.I.Jung@epa.gov. For contact via mail, use the following address:

Ms. I-Jung Chiang, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The SBA Shipyard Superfund Site (Site) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S and is located at the end of State Highway 3166 and adjacent to the west bank of the Mermentau River. The geographic coordinates at the abandoned office and facility entrance are Latitude 30.16415° North and Longitude -92.61588° West, obtained from a Trimble Geo Explorer 3 Global Positioning System (GPS).

SBA Shipyards, Inc., (SBA) was incorporated in the state of Louisiana for the purpose of construction, repair, retrofitting and cleaning of barges. SBA operated a barge cleaning facility at the Site from 1965 to 1993. The facility is now inactive and abandoned. The Site consists of an abandoned buried barge southeast of the property, adjacent to a wetland and the west bank of the Mermentau River. It is unknown whether the Site was used for industrial purposes prior to 1965. However, documents indicate that a portion of the Site could have possibly been used for grazing and agriculture prior to 1965.

Barges serviced at the Site typically held diesel, coal tar, crude oil, gasoline and asphalt. Wastes from the barge cleaning operations were managed in a waste management area that included four impoundments, a land treatment unit (LTU) and storage tanks. The wastes consisted of petroleum hydrocarbons which are the primary contaminants. The hydrocarbons were separated from the water into surface impoundments that were known as the Oil Pit, Water Pit 1, Water Pit 2 and Water Pit 3. Water was recycled to barge cleaning and some of the water was converted to steam for the cleaning operations.

Numerous attempts were made to bio-remediate and close the impoundments which began in 1989. In 1991 the bioremediation was determined to be unsuccessful. Land treatment of wastes continued through 1993.

On December 9, 2002, SSIC Remediation, L.L.C., (SSIC) entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., pursuant to Resource Conservation Recovery Act (RCRA) Section 3008(h). Approximately 33.8 million pounds of oils, waxes and sludges, pumpable oily material and oily tank heels, 70 tons of contaminated debris and 88 tons of recyclable scrap steel were removed from the site.

As part of the IM/RA, the Oil Pit and wastes from the storage tanks were stabilized and solidified for off-site disposal. Approximately 750,000 gallons of uncontaminated pond water were pumped from the former Water Pit to the drainage ditch that drains to the Mermentau River. The emptied Water Pit was then used to receive treated storm water from the partially buried barge. Pumpable oil materials were removed and buried which was then used to store contaminated storm water prior to treatment and discharge to the emptied Water Pit.

In September 2012, the Louisiana Department of Environmental Quality (DEQ) referred the Site to EPA for potential removal/remedial action. On October 23 & 25, 2013, the United States Coast Guard responded to a release from on-site buried barges. In May 2013, EPA conducted a Preliminary Assessment of the site and the final report which is dated June 3, 2013, confirmed the contamination of the site referenced above.

ENCLOSURE 2

SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA

INFORMATION REQUEST

INSTRUCTIONS AND DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, S.C. § 9601 (21).

9. The term "Site" shall mean and include the SBA Shipyard Superfund Site located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 (Castex Landing Road), approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of the Mermentau River.
10. The term "Respondent" or "you" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, tastes, partner, successors and agents.
11. SBA Shipyard facility (SBA) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S and is located at the end of State Highway 3166 and adjacent to the west bank of the Mermentau River.). The term "Site" shall mean and located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility was used to construct, repair and clean out barges and other marine vessel during the mid-1960's to the early 1990's. The site is approximately 98-acres of predominately open area. The contamination resulted predominantly from the clean-out of barges conducted by SBA for their customers.
12. The terms "you" or "your" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
13. The term "Site" shall mean and include The SBA Shipyard facility (SBA) is situated on approximately 98 acres of land.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.
16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3
SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON PARISH, LOUISIANA

INFORMATION REQUEST

QUESTIONS

General Information Concerning Respondent

Please state the full legal name and mailing address of the Respondent. In addition, for each person answering these questions on behalf of the Respondent, provide full name, title, business address, and business telephone and facsimile number. Please also provide contact information Please identify (*see* Definitions) and provide copies of all documents (*see* Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question. For each document copy produced in response to this request for documents, indicate on the document, or in some other reasonable manner, the question and subpart (*e.g.*, a, b, c, d, e, or f) of the question to which it corresponds.

REQUESTS FOR DOCUMENTS

Please identify (*see* Definitions) and provide copies of all documents (*see* Definitions) consulted, examined, or referred to in the preparation of the answers to the above questions including all subparts of each question, or that contain information responsive to the question. For each General Information Conceding Respondent

1. Provide the full legal name and mailing address of the Respondent.
2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted with in the preparation of the answer.
3. If Respondent wishes to designate an individual for all future correspondence conceding this Site, including legal notices, please provide the individual's name, address, and telephone number.

Specific Information relating to Site Operations

4. Identify and include a brief description of the nature, and the timeframe(s) of the Respondent's business relationships with SBA Shipyards, Inc.
5. Please provide the following documents and information:
 - a. Articles of incorporation of SSIC Remediation, L.L.C.
 - b. Agreement referenced in the articles of incorporation of SSIC Remediation, L.L.C.
 - c. Member listing of the Limited Liability Corporation from SSIC Remediation, L.L.C.
 - d. Including designation of corporate representation by those members; the articles of incorporation for SSIC Remediation, L.L.C.
 - e. A complete list of SBA Shipyards, Inc., customers, to the best of the knowledge of SSIC Remediation, L.L.C.

- f. Provide the full legal name and mailing address of the member listing of the Limited Liability Corporation associated with SBA Shipyards, Inc.

6.

Specific Information relating to Site Operations involve gas freeing variety of vessel cleaning services. Identify all persons, including the Respondent, who may have managed for disposal or treatment or managed for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous wastes (materials) from may required gas freeing inspection/cleaning operation ship building/repairing? Can SSIC Remediation, L.L.C identify any other previous or current owner or operator of the Site.

Identify all transactions with the Site owners and/or operators of the Site that resulted in materials being sent to the Site by you for any purpose, including but not limited to barge cleaning. Identify and provide all documents related to each transaction, including but not limited to invoices, manifests, shipping papers, bills offloading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or corresponding . For each transaction, identify and state:

- a. The type and purpose for the transaction;
- b. A description of the materials involved, including their quantity and chemical content and characteristics;
- c. Any amounts paid by you in correction with each transaction;
- d. The date of each transaction; and
- e. The date the materials were sent to or from the Site.

Identify all persons, including the Respondent, who may have managed for disposal or treatment or managed for transportation for disposal or treatment of materials, hazardous materials, hazardous substances, and/or hazardous wastes (materials) from various facilities to the Site. This information shall identify and state, but not be limited to the following:

- a. The persons with whom the Respondent made such managements;
- b. The precise locations from which these materials originated;
- c. The nature, including the chemical content, characteristics, physical state (e.g., solid or liquid) and quantity (e.g., volume or weight) of all materials involved in each such management;
- d. All tests, analyses, analytical results, and manifests consuming each material involved in such transactions;
- e. The persons who selected the location to which the materials were to be disposed and/or treated. In particular, the persons who selected the Site as a location for disposal and/or treatment of the materials. This information shall include where these persons intended to have the materials involved in each management treated or disposed and all evidence of their intent;
- f. The amount paid in connection with each such management, the method of payment, and the identity of the persons involved in each payment transaction; and
- g. Provide contracts or other documents reflecting such managements for transportation, disposal, and/or treatment of materials.

Identify the corporate relationship(s) (such as successor by name change, successor by merger, etc.) between the named recipient of this request and its related entities as named at the time materials were sent by Respondent to the Site. Provide the corporate records which document that corporate

relationship[s], including but not limited to documents related to mergers, acquisitions, sales, and assignments of liability.

Information Request Questions: Arrangers/Generators

H. Persons or entities who received the hazardous substances from the

persons described in 11(j) above [including, but not limited to (insert list of all transporters)]. Please include their names, addresses, and telephone numbers.

ii. Any person with whom the persons described in 11(j) made such

arrangements [including, but not limited to (insert list of suspected transporters)].

iii. Every date when each person described in 11(j) made such arrangements.

iv. The steps you or other persons, including persons identified in 11(j) above

took to reduce the spillage or leakage. Please identify any operational manuals or policies (e.g. a facility's spill control policy) which address the management of spills and leaks.

v. Any amount paid by you, or other persons referred to in 11(j) above in

connection with each transaction for such arrangement, the method of payment, and the identity of the persons involved. Please provide any contacts, written agreements, or documentation reflecting the terms of the agreements.

vi. Any amount of money received by you or other persons referred to in

11(j) above for the sale, transfer, or delivery of any material containing hazardous substances. If the material was repaired, refurbished, or reconditioned, how much money was paid for this service?

k. Who controlled and/or transported the hazardous substances prior to delivery to

the Site? Provide agreements and/or documents showing the times when each party possessed the hazardous substances.

1. The owner(s) or possessor(s) (persons in possession) of the hazardous substances

involved in each arrangement for disposal or treatment of the substances. If the ownership(s) changed, when did this change(s) occur? Please provide documents describing this transfer of ownership, including the date of transfer, persons involved in the transfer, reason for the transfer of ownership, and details of the arrangement(s) such as contracts, agreements, etc. If you did not own the hazardous substances when shipped, who did own it and how did you come to own the hazardous substances?

m. Who selected the location where the hazardous substances were to be disposed or treated?

n. How were the hazardous substances or materials containing hazardous substances planned to be used at the Site?

o. What was done to the hazardous substances once they were brought to the Site, including any

service, repair, recycling, treatment, or disposal.

p. What activities were typically conducted at the Site or the specific facility where the hazardous substances were sent? What were the common business practices at the Site? How and when did you obtain this information?

Information Request Questions: Arrangers/Generators

- q. How were the hazardous substances typically used, handled, or disposed of at the Site?
- r. How long did you have a relationship with the owner(s) and/or operator(s) of the Site?
- s. Did you have any influence over waste disposal activities at the Site? If so, how? t. What percentage of your total hazardous substances went to the Site? u. What steps did you take to dispose of or treat the hazardous substances? Please provide documents, agreements and/or contracts reflecting these steps.
- v. What involvement (if any) did you have in selecting the particular means and method of disposal of the hazardous substances.
- w. At the time you transferred the hazardous substances, what did you intend to happen to the hazardous substances? Please provide any contracts, written agreements, and/or other documentation reflecting the intention of the parties. If you do not have such documents and/or materials, please so state.
- x. With respect to all transactions involving hazardous substances, at the time of the transaction, specify the measures you took to determine the actual means of treatment, disposal or other uses of hazardous substances. Provide information you had about the treatment and disposal practices at the Site. What assurances, if any, were you given by the owners/operators at the Site regarding the proper handling and ultimate disposition of the materials you sent there?
- y. What efforts, if any, did you take to investigate the nature of the operations conducted at the Site and the environmental compliance of the Site prior to selling, transferring, delivering (e.g., for repair, consignment, or joint-venture), disposing of, or arranging for the treatment or disposal of any hazardous substances.
- z. Was there a shrinkage/spillage provision or loss allowance in the contract, or an understanding outside of the contract? As a part of the transaction, was there any penalty for shrinkage, spillage, or loss? Did the arrangement acknowledge that spills would occur?
12. Provide names, addresses and telephone numbers of any individuals including former and current employees, who may be knowledgeable of Company X's operations and hazardous substances handling, storage and disposal practices.
13. State the date(s) on which the drums and/or hazardous substances were sent, brought or moved to the Site and the names, addresses and telephone numbers of the person(s) making arrangements for the drums to be sent, brought or moved to the Site.

Information Request Questions: Arrangers/Generators

PERMITS/REGISTRATIONS

14. List all federal, state and local permits and/or registrations issued to Company X for the transport and/or disposal of materials.

15. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

16. Were all hazardous substances transported by licensed carriers to hazardous waste TSDFs permitted by the U.S. EPA?

17. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

17. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

18. Does your company or business have a permit or permits issued under RCRA? Does it have, or has it ever had, a permit or permits under the hazardous substance laws of the State of X? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

19. Identify whether a Notification of Hazardous Waste Activity was ever filed with the EPA or the corresponding agency or official of the State of X, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONDENT'S OPERATIONS

20. Provide the correct name and addresses of your plants and other buildings or structures where Respondent carried out its operations (excluding locations where ONLY clerical/office work was performed).

21. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations.